

PROJECT MANUAL



MODERNIZATION OF STATE AIDED PUBLIC HOUSING

STATE-AIDED PROJECT:

(TOWN OR CITY), MASSACHUSETTS



TOWN/CITY HOUSING AUTHORITY

Address

Phone: **Number**

FAX: **Number**

XXXXXXXXXXXXXXXXX, Chairman
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXX, Executive Director

Architect

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

Mechanical Engineer

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

Structural Engineer

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

Electrical Engineer

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

Specifications

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

Landscape Architect

(Name)
(Address)
(State, Zip Code)
(Telephone ())(***-****)
(FAX #)
Email

DATE:

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USE FOR ADDITIONAL SECTIONS

ADVERTISEMENT

The **Town** Housing Authority, the Awarding Authority, invites sealed bids from **General Contractors** for the **Very Brief Description** of Housing for the **Town** Housing Authority in **Town**, Massachusetts, in accordance with the documents prepared by **Name of Architect**.

The Project consists of: **Two or Three Sentence Description of Work**

The work is estimated to cost \$ **Insert Dollar Estimate**

Bids are subject to M.G.L. c.149 §44A-J & to minimum wage rates as required by M.G.L. c.149 §§26 to 27H inclusive.

General bidders must be certified by the Division of Capital Asset Management (DCAM) in the following category of work. **Insert DCAM Category** and must submit a current DCAM Certificate of Eligibility and a signed Update Statement (CQ3).

General Bids will be received until **Time, Day of Week and Date** and publicly opened, forthwith.

Filed sub-bids for the trades listed below will be received until **(Time, Day of Week and Date)** and opened forthwith.

Filed sub-bidders must be DCAM certified for the trades listed below and bidders must include a current DCAM Sub-Bidder Certificate of Eligibility and a signed DCAM Sub-Bidder's Update Statement.

**SUBTRADES (List Filed Sub Trades) Section 04000 Masonry
Section 15400 HVAC**

All Bids should be delivered to: **LHA Address, Street Town, State, Zip**
and received no later than the date & time specified above.

General bids and sub-bids shall be accompanied by a bid deposit that is not less than five (5%) of the greatest possible bid amount (considering all alternates), and made payable to the **Town** Housing Authority

Bid Forms and Contract Documents will be available for pick-up at **LHA Address, Street, Town, State, Zip**

There is a plan deposit of \$ **Amount** per set (maximum of 2 sets) payable to the Awarding Authority.

Deposits must be a certified or cashier's check. This deposit will be refunded for up to two sets for general bidders and for one set for sub-bidders upon return of the sets in good condition within thirty days of receipt of general bids. Otherwise the deposit shall be the property of the Awarding Authority.

Additional sets may be purchased for \$ **Dollar Amount**

Bidders requesting Contract Documents to be mailed to them shall include a separate check for \$ **Dollar Amount** per set, payable to the Awarding Authority, to cover mail handling costs.

REMOVE THE FOLLOWING PARAGRAPH WHEN APPROPRIATE

General bidders must agree to contract with minority and women-owned businesses as certified by the State Office of Minority and Women Business Assistance (SOMWBA). The amount of participation which shall be reserved for such enterprises shall not be less than seventeen (**17%**) percent of the final contract price, including accepted alternates, of which at least twelve (**12%**) percent shall be for minority business enterprises and five (**5%**) percent shall be reserved for women-owned business enterprises.

The **site or existing** building will be available for inspection between **Time** A.M.. and **Time** P.M.. on **Date**. For an appointment call **Name of Contact Person at Phone Number**.

The Contract Documents may be seen, but not removed at:

Project Dog
18 Graf Road Suite #8
Newburyport, MA 01950

McGraw Hill Construction
24 Hartwell Ave.
Lexington, MA 02421
(or closest regional McGraw Hill office)

INSTRUCTIONS TO BIDDERS

ARTICLE 1 - BIDDER'S REPRESENTATION

- 1.1 Each General Bidder or Sub-bidder (hereinafter called the "**Bidder**") by making a bid or sub-bid (hereinafter called "**bid**") represents that:
1. The Bidder has read and understands the Contract Documents and the bid is made in accordance therewith.
 2. The Bidder has visited the site and is familiar with the local conditions under which the Work has to be performed.
- 1.2 Failure to so examine the Contract Documents and site will not relieve any Bidder from any obligation under the bid as submitted.

ARTICLE 2 - GENERAL BIDDER'S AND FILED SUB-BIDDER'S CERTIFICATION

- 2.1 General bids shall be submitted with the following:
1. A Certificate of Eligibility on the appropriate form prescribed and issued by the Division of Capital Asset Management and Maintenance (DCAM), showing that the Bidder is eligible to bid on projects of this size in the specified category of work; and
 2. A Contractor Update Statement, DCAM Form CQ3.
 3. The Contractor Update Statement (CQ3) is not a public record as defined in DCAM regulation 810 CMR 8.06- and will not be open to public inspection.
- 2.2 Filed sub-bids shall be submitted with the following:
1. A Sub-Bidder Certificate of Eligibility on the appropriate form prescribed and issued by DCAM showing that the sub-bidder is eligible to bid on public projects in the specified category of work; and
 2. A Sub-Bidder Update Statement on a form prescribed by DCAM.
- 2.3 It is the Sub-Bidder's responsibility to obtain the necessary forms from DCAM and make application in sufficient time for evaluation of the application and issuance of a Sub-Bidder Certificate of Eligibility prior to bid.
- 2.4 The Sub-Bidder Update Statement is not a public record as defined in DCAM regulation 810 CMR 8.06 and will not be open to public inspection.
- 2.5 **Be advised that a new Massachusetts law has been enacted that requires all employees who work on Massachusetts public works construction sites must have no less than 10 hours of OSHA-approved safety and health training. See Chapter 306 of the Acts of 2004, which will become effective July 1, 2006.**
1. **This requirement will apply to any general bid or sub bid submitted on or after July 1, 2006 and to any contract awarded on or after July 1, 2006.**
 2. This law directs the Massachusetts Attorney General to restrain the award of construction contracts to any contractor who is in violation to this requirement and to restrain the performance of these contracts by non-complying contractors.
 3. The Contractor and all subcontractors on this project will be required to provided certification of this compliance with this requirement in accordance with the provisions of Section 01100 of these Contract Documents. Non-compliance with this new Massachusetts Law will disqualify you from bidding on public contracts.

ARTICLE 3 - MBE AND WBE PARTICIPATION

- 3.1 Refer to the Advertisement for applicability of Article 3.
- 3.2 The minimum percentage that must be contracted with minority-owned and women-owned businesses is stated in the Advertisement.

- 3.3 The apparent low Bidder must submit the SOMWBA Certified Enterprise Participation Schedule and Letters of Intent from all of the firms listed on the Schedule within five (5) working days after receipt of bids. The Housing Authority and the Department may, at their discretion, grant an extension of time to submit these documents, if deemed to be appropriate and in the public interest to do so. Letters of Intent are not required for filed Subcontractors. However, filed Sub-bidders who are SOMWBA-Certified shall be listed on the Participation Schedule. Submit the completed Participation Schedule and Letters of Intent to: (with a copy to the Housing Authority)

**Department of Housing and Community Development
DHCD-Legal Office/MBE Coordinator
100 Cambridge Street –3rd Floor
Boston, MA 02114**

ATTENTION: MBE/WBE Participation for (project name).

- 3.4 The Bidder must submit prior to, and as a condition of Contract approval, signed subcontracts with all subcontractors or a purchase order or invoice from material suppliers or manufacturers listed on the Participation Schedule.
- 3.5 Filed Sub-bidders are not required to submit a Participation Schedule. They may, at their option, submit a Letter of Intent with their bid if they are a SOMWBA certified enterprise. If a filed subcontractor intends to sub-sub work to a SOMWBA certified enterprise, and the General Contractor wishes for that subcontract to be credited towards participation for this contract, a Participation Schedule and Letter of Intent is required.

ARTICLE 4 - REQUESTS FOR INTERPRETATION

- 4.1 Bidders shall promptly notify the Architect of any ambiguity, inconsistency, or error which they may discover upon examination of the Contract Documents, the site, and local conditions.
- 4.2 Bidders requiring clarification or interpretation of the Contract Documents shall make a written request to the Architect. The Architect will answer such requests if received seven (7) calendar days before the date for receipt of the bids.
- 4.3 Interpretation, correction, or change in the Contract Documents will be made by written Addendum which will become part of the Contract Documents. Neither the Housing Authority nor the Architect will be held accountable for any oral interpretations, corrections, or changes.
- 4.4 Addenda will be mailed by the Architect by U.S Postal Service, certificate of mailing, to every individual or firm on record as having taken a set of Contract Documents.
- 4.5 Copies of addenda will be made available for inspection at the locations listed in the Advertisement where Contract Documents are on file.

ARTICLE 5 - PREPARATION AND SUBMISSION OF BIDS

5.1 Forms and Bid Preparation

Bids shall be submitted on the "**Form for General Bid**" or the "**Form for Sub-Bid**", as appropriate, furnished at no cost by the Housing Authority. The forms enclosed in the Project Manual shall not be extracted or used. Additional forms are available at the location listed in the Advertisement.

- 5.1.1 All entries on the bid form shall be made by typewriter or in ink.
- 5.1.2 Sums shall be expressed in both words and figures in the space indicated on the bid form,. Where there is a discrepancy between the bid sum expressed in words and the bid sum expressed in figures, the words shall control.
- 5.1.3 If the requirement of Performance and Payment Bonds for filed sub-contractors is left blank by the General Bidder on the Form for General Bid, the Housing Authority shall interpret this as a "yes". No increase in contract price will be allowed for providing these bonds.
- 5.1.4 Costs for subcontractor's bond premiums shall be paid for by the General Contractor in accordance with M.G.L. c.149 §44F.

5.2 Bid Deposits shall be:

- 5.2.1 at least five percent (5%) of the greatest possible bid amount, considering all alternates;
- 5.2.2 made payable to the **housing authority**;
- 5.2.3 conditioned upon faithful performance by the principal of the agreements contained in the bid, and

- 5.2.4** in the form of:
- .1** cash,
 - .2** certified check, treasurer's or cashier's check issued by a responsible bank or trust company, or
 - .3** a bid bond issued by a surety company licensed to do business in the Commonwealth of Massachusetts.
- 5.2.5** retained until the execution and delivery of the Owner/Contractor Agreement if they represent the bid deposit of one of the three (3) lowest responsible and eligible General Bidders or one of the three (3) lowest Sub-bidders in a filed sub-bid trade, or a sub-bidder listed by one of the three (3) lowest General Bidders.

5.3 Delivery of Filed Sub-Bids

Sub-bids, including the bid deposit, DCAM Sub-Bidder Certificate of Eligibility and a signed DCAM Sub-Bidder Update Statement shall, be enclosed in a sealed envelope with the following plainly marked on the outside:

Filed Sub-Bid for:

- **Name of Housing Authority and Project Number**
- **Sub-bid Section Number**
- **Trade**
- **Sub-bidder's Name, Business Address, and Phone Number**

5.4 Delivery of General Bids

General Bids, including the bid deposit, DCAM Certificate of Eligibility and Update Statement (CQ3) shall be enclosed in a sealed envelope with the following plainly marked on the outside:

General Bid for:

- **Name of Housing Authority and Project Number**
- **Bidder's Name, Business Address, and Phone Number**

5.4.1 Date and time for receipt of bids is set forth in the Advertisement.

5.4.2 Timely delivery of a bid to the location designated shall be the full responsibility of the Bidder.

5.5 Sub-Trade Solicitations

- 5.5.1** If the General Bidders are instructed to carry an amount for a given sub-trade listed under Item 2, General Bidder's shall list the sub-trade, and amount provided by the Housing Authority. The line under **bonds required** on the General Bid Form should be left blank or marked N/A in order for subparagraph 5.5.2.2 to be applicable.
- 5.5.2** Upon solicitation of a subcontractor to perform the work required by the sub-trade as mentioned in subparagraph 5.5.1, the selected General Contractor's contract amount will be adjusted as follows:
- .1** The difference between the subcontract amount and the amount carried in the bid.
 - .2** The total cost of the subcontractor's bonds, if the selected General Contractor requires such bonds after the solicitation is completed and if the selected General Contractor complied with 5.4.1 above, and
 - .3** The resultant cost difference for General Contractor's Bonds premiums.
- 5.5.3** Overhead and Profit for supervision of the sub-trade in question shall be included by all General Bidders in Item 1.
- 5.5.4** Additional overhead and profit is not allowed on the incremental difference as stated in M.G.L. c.149 §44F(4)(a)(2) nor on the costs for the additional bond premiums.

ARTICLE 6 - ALTERNATES

6.1 Each General Bidder shall acknowledge Alternates in Section C on the Form for General Bid by entering the dollar amount of addition or subtraction necessitated by each Alternate.

6.2 In the event an Alternate does not involve a change in the amount of the base bid, the Bidder shall so indicate by writing "**No Change**", or "**N/C**" or "**0**" in the space provided for that Alternate.

6.3 Sub-bidders shall enter on the Form for Sub-bid the amount of addition or subtraction necessitated by each Alternate which pertains to the work of that trade. If an Alternate does not involve a change in the bid amount so indicate by writing **"No Change", "N/C" or "0"**.

If the alternate does not affect your category of work so indicate by writing **"N/A"**.

6.4 General Bidders shall enter on the Form for General Bid a single amount for each Alternate which shall consist of the Sub-bidders' amounts and the amount for work performed by the General Contractor.

6.5 The low Bidder will be determined on the basis of the sum of the base bid and the accepted alternates.

ARTICLE 7 - WITHDRAWAL OF BIDS

7.1 Before Opening of Bids

7.1.1 Any bid may be withdrawn prior to the time designated for receipt of bids upon written request. Withdrawal of bids must be confirmed over the Bidder's signature by written notice post-marked or sent by facsimile on or before the date and time set for receipt of bids.

7.1.2 Withdrawn bids may be resubmitted up to the time designated for the receipt of bids.

7.2 After Opening of Bids

Bidders may withdraw a bid, without penalty, any time up to the time of Award as defined in paragraph 8.1, and upon demonstrating, to the satisfaction of the Housing Authority, that a bona fide clerical error was made during the preparation of the bid. Failure to conclusively demonstrate a bona fide clerical error may result in forfeiture of the bid deposit.

7.3 In the event of a general bid withdrawal after opening of bids, the Housing Authority shall consider the bid from next lowest eligible and responsible bidder.

7.4 Sub-bid Withdrawal/Substitution

7.4.1 Selection - Should a filed sub-bidder listed on the Form for General Bid of the selected General Contractor (per Article 8 of these instructions) withdraw its bid, be unable to provide performance and payment bonds as required by the selected General Contractor, or otherwise refuse to sign a subcontract with the selected General Contractor, the housing authority and the selected General Contractor shall consider the other sub-bids to which the housing authority and the selected General Contractor make no objection and substitute a new sub-bidder for such trade.

7.4.2 Process: If the selected General Contractor:

.1 required bonds (on the Form for General Bid) for the sub-bidder who withdrew then the selected General Contractor's contract amount shall be adjusted to account for:

.1 the difference between the amount of the sub-bid listed on the Form for General Bid and the amount of the replacement sub-bid, and

.2 the incremental difference in the cost of the General Contractor bonds premiums, but

.3 there will be no compensation for additional subcontractor bond premiums

.2 did not require bonds (on the Form for General Bid) for the sub-bidder who withdrew and now the selected General Contractor wants bonds from the replacement sub-bidder, then the selected General Contractor's contract amount shall be adjusted:

.1 to account for the difference between the amount of the sub-bid listed on the Form for General Bid and the amount of the replacement sub-bid,

.2 the amount for the new sub-bidder's performance and payment bonds, and

.3 the incremental difference in the cost of the General Contractor bond premiums.

7.4.3 There shall be no adjustment to the selected General Contractor's contract amount except as set forth in 7.4.2.1 and 7.4.2.2. Additional overhead and profit is not allowed on the incremental difference in the sub-bids nor on the costs for the additional bond premiums.

ARTICLE 8 - CONTRACT AWARD

- 8.1 Award** means both the determination and selection of the lowest, responsible and eligible bidder, by Housing Authority board vote.
- 8.2** The Housing Authority will award the contract to the lowest responsible and eligible bidder within thirty days, Saturdays, Sundays, and legal holidays excluded after the opening of bids in accordance with M.G.L. c.149 §44A.
- 8.3** The Contract will be awarded to the lowest responsible and eligible Bidder, except in the event of substitution as provided under M.G.L. c.149 §§44E and 44F, in which cases the procedure as required by said sections shall govern the award of the Contract.
- 8.4** The award of this Contract is subject to the approval of the Director of the Commonwealth of Massachusetts, Department of Housing and Community Development.(DHCD). Contracts without DHCD approval shall not be considered valid.
- 8.5** The Housing Authority reserves the right to waive any informalities in or to reject any or all Bids if it be in the public interest to do so.
- 8.6** The Housing Authority also reserves the right to reject any sub-bid if it determines that such sub-bid does not represent the bid of a person competent to perform the work as specified, or if less than three sub-bids are received for a sub-trade, or if bid prices are not reasonable for acceptance without further competition.
- 8.7** As used herein, the term "lowest responsible and eligible bidder" shall mean the General Bidder whose bid is the lowest of those Bidders demonstrably possessing the skill, ability, and integrity necessary for the faithful performance of the work, and who meets the requirements for Bidders set forth in M.G.L. c.149 §44A-J and is not debarred from bidding under M.G.L. c.149 §44C; and who shall certify that they are able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work.

ARTICLE 9 - FORMS REQUIRED FOR CONTRACT APPROVAL

- 9.1** Upon Award, the General Bidder shall complete the following forms to ensure prompt contract validation. These forms will be provided to the selected General Bidder by DHCD. Submit (3) originals of each.
- 9.2 Owner/Contractor Agreement and Form of Corporate Vote.**
- 9.3 Form of Contractor's Equal Employment Certification in accordance with Article 14 of the General Conditions.**
- Form of Sub-Contractor's Equal Employment Certification in accordance with Article 14 of the General Conditions.**
- 9.4.1 Form of Performance Bond and Form of Payment Bond** must be submitted by the General Contractor on DHCD's form, in accordance with Article 18 of the General Conditions. The dates on the bonds must coincide with the contract date, and a current Power-of-Attorney must be attached to each bond.
- 9.4.2 Performance and Payment Bonds** must also be submitted for all filed subcontractors, if required by the General Bidder on its Form for General Bid, in the total amount of the subcontract payable to the General Contractor.
- 9.5.1 Insurance Certificates** for the General Contractor and all **filed subcontractors** are required and must be submitted in accordance with Article 16 of the General Conditions.
- 9.5.2** General Contractors must indicate on special perils insurance or installation floater if stored materials are covered.
- 9.6.1 Form of Subcontract for all filed subcontractors** - executed and submitted on the statutory subcontract form.
- 9.6.2 Subcontracts with MBE/WBE subcontractors** - executed on a form agreeable between both parties.
- 9.6.3 Purchase Orders to, or Invoices from, MBE/WBE suppliers.**

- 9.7 Statement of Management on Internal Accounting Controls and a Statement prepared by a CPA** expressing an opinion to the state of Management Controls, as required by M.G.L. c.30 §39R. This applies to the General Contractor only.

ARTICLE 10 - CONTRACT VALIDATION

- 10.1** The Owner-Contractor Agreement shall not be valid until signed by the Director of DHCD.
- 10.2** The Notice to Proceed for construction shall not be issued until the Owner/Contractor Agreement has been validated by the Director of DHCD
- 10.3** Incomplete or unacceptable submissions of forms required by paragraphs 9.2 - 9.7 will delay the validation of the Owner/Contractor Agreement by DHCD.

END OF SECTION

FORM OF GENERAL BID

TO THE AWARDING AUTHORITY

A. The undersigned proposes to furnish all labor and materials required for _____ for the
PROJECT

HOUSING AUTHORITY in _____ Massachusetts
TOWN TOWN

in accordance with Contract Documents prepared by

Name of Engineer/Architect

For the contract price specified below, subject additions and deductions according to the terms of the specifications

B. This bid includes addenda number(s) _____

C. The proposed contract price is:

Dollars \$ _____
Bid Amount in Words Bid Amount in Numbers

For Alternate	No. _____	Add \$ _____	Subtract \$ _____
	No. _____	\$ _____	\$ _____
	No. _____	\$ _____	\$ _____
	No. _____	\$ _____	\$ _____
	No. _____	\$ _____	\$ _____

Each Alternate shall be listed separately

D. The subdivision of the proposed contract price is as follows:

ITEM 1. The work of the general contractor, being all work other than that covered by ITEM 2.

TOTAL OF ITEM 1 \$ _____

ITEM 2. Sub-bids as follows:

Sub-trade	Name of Filed Sub-bidder	Sub-bid Amount	Bond Required Yes No
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL OF ITEM 2..... \$ _____

The undersigned agrees that each of the above named sub-bidders will be used for the work indicated at the amount stated, unless a substitution is made. The undersigned further agrees to pay the premiums for the performance and payment bonds furnished by sub-bidders as requested herein and that all of the cost of all such premiums is included in the amount set forth in Item I of this bid.

The undersigned agrees that if selected as general contractor, they will promptly confer with the awarding authority on the question of sub-bidders; and that the awarding authority may substitute for any sub-bid listed above a sub-bid filed with the awarding authority by another sub-bidder for the sub-trade against whose standing and ability the undersigned makes no objection; and that the undersigned will use all such finally selected sub-bidders at the amounts named in their respective sub-bids and be in every way as responsible for them and their work as if they had been originally named in this general bid, the total contract price being adjusted to conform thereto.

- E.** The undersigned agrees that, if selected as general contractor, he will within five days, Saturdays, Sundays, and legal holidays excluded, after presentation thereof by the awarding authority, execute a contract in accordance with the terms of this bid and furnish a performance bond and also a labor and materials or payment bond, each of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority and each in the sum of the contract price, the premiums for which are to be paid by the general contractor and are included in the contract price.

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards made subject to section 44A.

The undersigned further certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Signature 

Date: _____

Name of General Bidder

BY:

Signature & Title of person signing bid

Business Address

(City and State)

Note: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of partners if different from business addresses.

FORM FOR SUB-BID

TO ALL GENERAL BIDDERS EXCEPT THOSE EXCLUDED:

A. The undersigned proposes to furnish all labor and materials required for completing, in accordance with the hereinafter described plans, specifications and addenda, all the work specified in Section No _____ of the specifications and in any plans specified in such section

prepared by _____ for _____
Name of Architect/Engineer Project

for the _____ **HOUSING AUTHORITY in** _____ Massachusetts,
City/Town City/Town

for the contract sum of :

		Dollars \$	
Bid Amount in Words		Bid Amount in Numbers	
For Alternate	No. _____	Add \$ _____	Subtract \$ _____
	No. _____	\$ _____	\$ _____
	No. _____	\$ _____	\$ _____
	No. _____	\$ _____	\$ _____

Each Alternate shall be listed separately

B. This Sub-bid includes addenda number(s) _____

C. This Sub-bid

☐

May be used by any General Bidder **Except:**

☐

May **only be used** by the following General Bidders:

To exclude general bidders, insert "X" in one box only and fill in blank following that box.

Do not answer C if no general bidders are excluded

D. The undersigned agrees that, if selected as a sub-bidder, they will, within five days, Saturdays, Sundays and legal holidays excluded, after presentation of a subcontract by the general bidder selected as the general contractor, execute with such general bidder a subcontract in accordance with the terms of this sub-bid, and contingent upon the execution of the general contract, and, if requested to do so in the general bid by such general bidder, who shall pay the premiums therefor, furnish a performance and payment bond of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority, in the full sum of the subcontract price.

E. The names of all persons, firms and corporations furnishing to the undersigned labor or labor and materials for the class or classes or part thereof for which the provisions of the section of the specifications for this sub-trade require a listing in this paragraph, including the undersigned if customarily furnished by persons on his own payroll and in the absence of a contrary provision in the specification the name of each such class of work or part thereto and the bid price for such class of work or part thereof are:

NAME	CLASS OF WORK	BID PRICE
_____	_____	_____
_____	_____	_____

(Do not give bid price for any class or part thereof furnished by the undersigned).

- F. The undersigned agrees that the above list of bids of the undersigned represents bona fide bids based on hereinbefore described plans, specifications and addenda, and that, if the undersigned is awarded the contract, they will be used for the work indicated at the amounts stated, if satisfactory to the awarding authority.
- G. The undersigned further agrees to be bound to the general contractor by the terms of the hereinbefore described plans, specifications (including all general conditions stated therein) and addenda, and to assume toward him all the obligations and responsibilities that the contractor, by those documents, assumes toward the owner.
- H. The undersigned offers the following information as evidence of the contractor's qualifications to perform the work as bid upon according to all the requirements of the plans and specifications:

1. Have been in business under present business name for _____ years
2. Ever failed to complete any work awarded? _____
3. List one or more recent buildings with names of general contractor and architect on which you served as subcontractor for work of similar character as required for the above-named building

Building Type	Architect	General Contractor	Contract Amount
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. Bank Reference: _____

- I. The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards of subcontracts subject to section 44F. ***The safety training requirement in this paragraph is effective July 1, 2006.***

The undersigned further certifies under penalty of perjury that this sub-bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated there under.

NAME OF SUB-BIDDER

Signature 

BY: _____

Signature & Title of person signing bid

Date: _____

Business Address

(City and State)

Note: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of partners if different from business addresses .

SOMWBA CERTIFIED ENTERPRISE (SCE) PARTICIPATION SCHEDULE

Commonwealth of Massachusetts

Department of Housing and Community Development

- This form must be submitted by the apparent low general bidder within five working days of receipt of bids.
- Filed sub-bidders who are SOMWBA certified MBEs or WBEs or filed subcontractors who intend to sub-contract with a SOMWBA certified MBE or WBE may submit this form with their Filed sub-bid.
- Letters of Intent from all SCEs listed must be submitted with this Participation Schedule.

State-Aided Project

LHA DEVELOPMENT NUMBER

The undersigned intends to subcontract with the following firms for the listed work and dollar amounts:

Name of Company	Description of Work	MBE or WBE	Supplier or Subcontractor	Value of Participation
1				\$
2				\$
3				\$
4				\$
5				\$
6				\$
7				\$
8				\$
Dollar Value of MBE Commitment:				\$
Dollar Value of WBE Commitment:				\$
Total Dollar Value Commitment:				\$

Date

Name of General Contractor

Authorized Signature

Address

City, State & Zip Code

SOMWBA CERTIFIED ENTERPRISE LETTER OF INTENT

Commonwealth of Massachusetts
Department of Housing and Community Development

- This form is provided for SOMWBA Certified Enterprises (SCEs) being utilized as MBEs and WBEs on this contract.
- This form must be completed by each SOMWBA Certified Enterprise and submitted by the bidder using the SCE.
- General bidders or filed sub-bidders that are SCEs may omit this form.

TO: General Bidder

Name: _____
Street _____
Address: _____
City/Town _____
Phone: _____
Fax: _____
Email: _____

FROM SOMWBA Certified Enterprise (SCE)

Name: _____
Street Address: _____
City/Town _____
Phone: _____
Fax: _____
Email: _____

RE: State-Aided Project: _____

Name of Housing Authority and Project Number

1. My company intends to perform work in connection with the above project as:

- ☐ an individual ☐ a corporation ☐ a partnership
- ☐ a joint venture with _____
- ☐ other (explain) _____

2. My company is certified by SOMWBA as a ☐ MBE ☐ WBE in the following categories:

Warning:

**Misrepresenting your firms SOMWBA
certification may result in
disqualification from this and other
DHCD funded projects!!**

3. My company has not changed its ownership, control, or management in any ways that affect certification since obtaining SOMWBA certification

4. My company understands that if your company is awarded the contract, your company intends to enter into an agreement to perform the work described below for the price indicated. My company also understands that your company will make substitutions only as allowed by Article 15 of the General Conditions for the above project

5. My company intends to _____ **Brief Description of work**

This Work includes: ☐ Labor & Materials ☐ Labor Only ☐ Materials only

for a total amount of _____ Dollars \$ _____

Date _____

:

Authorized Signature of SCE

Name and Title

Please advise DHCD immediately if either party attempts to renegotiate this agreement

OWNER-CONTRACTOR AGREEMENT

Commonwealth of Massachusetts
Department of Housing and Community Development

This agreement made the _____ day of _____, 20____ by and between **Housing Authority** hereinafter called the "Owner", and _____ hereinafter called the "Contractor"
Name of Contractor

Witnesseth, that the Owner and the Contractor, for the consideration hereinunder named, agree as follows:

Article 1. Scope of Work: The Contractor shall perform all Work required by the Contract Documents for _____ referred to in the Contract Documents prepared by _____
Description of Project

acting as and referred to as the "Architect"

Architect/Engineer

Article 2. Time of Completion: The Contractor shall commence work under this Contract on the date specified in the written Notice to Proceed" and shall bring the Work to Substantial Completion within _____ calendar days of said date
Days

Damages for delays in the performance of the Work shall be in accordance with Article 9 of the General Conditions of the Contract.

Article 3. Contract Sum: The Owner shall pay the Contractor, in current funds, for the performance of the Work,

Dollars \$

Contract Amount in Words

Contract Amount in Dollars

The Contract Sum is divided as follows:

Item 1: The Work of the Contractor, being all Work other than that covered by Item 2 \$ _____

Item 2: Subcontractors as follows

Section - Trade	Subcontractor	Amount
1		\$
2		\$
3		\$
4		\$
5		\$
6		\$
7		\$
8		\$
9		\$
10		\$
Total for Item 2		\$

Article 4. The Contract Documents: The following, together with this Agreement, form the Contract and all are as fully a part of the contract as if attached to this Agreement or repeated herein: The Advertisement, Bidding Documents, Contract Forms, Conditions of the Contract, and Specifications as enumerated in the Table of Contents, the drawings as enumerated in the List of Contract Drawings, DHCD publication known as the Construction Handbook, and all Modifications issued after execution of the Contract. Terms used in this Agreement which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

Article 5. Alternates: The following Alternates have been accepted and their costs are included in the Contract Sum stated in Article 3 of this Agreement: **Alternate No(s): and**

Article 6. REAP Certification: Pursuant to M.G.L. c.62(c), sec.49(a), the individual signing this Contract on behalf of the Contractor, hereby certifies, under the penalties of perjury, that to the best of their knowledge and belief the Contractor has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Article 7. Validation: This Contract will not be valid until signed by the Director of the Massachusetts Department of Housing and Community Development.

In Witness Whereof, the Parties Hereto Have Caused This Instrument to be Executed Under Seal.

¹ CONTRACTOR

² AWARDING AUTHORITY

Name of Contractor

Name of Housing Authority

Address

Signature and Seal

By: _____
Signature and Seal

Title

Witness _____
¹ If a Corporation, attach a notarized copy of the
Corporate Vote authorizing signatory to sign Contract.

Attest:
² If signed by someone other than a Housing Authority
Board member attach a copy of Certified Board Vote
authorizing the signatory to sign Contract.

**DEPARTMENT OF HOUSING & COMMUNITY
DEVELOPMENT**

In accordance with M.G.L. 121B, and Revisions thereto.

Director

Date

CERTIFICATE OF VOTE OF AUTHORIZATION

_____ 200 _____

I hereby certify that a meeting of the Board of Directors of the:

NAME OF CORPORATION

duly called and held at _____ on the _____ day of _____ 200 _____

At which a quorum was present and acting, it was voted that _____

Name of Corporate Officer

of the _____, be and hereby is authorized to execute and deliver for

and on behalf of the Corporation a Contract with _____ Housing Authority, for
work to be done at State-Aided Housing Project No. _____ In the City/Town of _____

And to act as principal to execute bonds in connection therewith, which Contract and Bonds were
presented to and made part of the records of said meeting.

I further certify that _____ Is duly qualified and acting

Name of Corporate Officer

_____ of the Corporation and that said vote has not been

Title

Repealed, rescinded or amended

A true copy of the record,

ATTEST:

(CORPORATE SEAL)

On this ____ day of _____ 200____, before me, the undersigned Notary Public, personally
appeared _____, duly designated by the board of directors and proved
to me, through satisfactory evidence of identification, which was _____, that
s/he is the person whose name is signed on the foregoing documents, and acknowledged to me
that s/he signed it voluntarily for its stated purpose and that it was her/his free act and deed.

Notary Public

My Commission Expires:

FORM OF CONTRACTOR'S EQUAL EMPLOYMENT CERTIFICATION

Commonwealth of Massachusetts

Department of Housing and Community Development

This form must be completed and submitted by the Contractor prior to the signing of the Owner-Contractor Agreement.

This certifies that:

Contractor

Street Address

City/State/Zip Code

1. Intends to use the following listed construction trades in the work under this contract:

2. Will comply with the minority manpower ratio and specific affirmative action steps contained in Article 14 of the Conditions of this Contract; and
3. Will obtain similar certifications from each of its subcontractors and submit to the Owner prior to the award of any subcontract under this contract the subcontractor's certification.

**SIGNATURE OF AUTHORIZED REPRESENTATIVE OF
CONTRACTOR**

NAME AND TITLE

DATE

PERFORMANCE BOND

COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ as **Principal**,
and _____ as **Surety**, are held and firmly bound unto
the _____ **Housing Authority**, as **Obligee**, in the sum of
_____ **dollars** \$ _____

to be paid to the Obligee, for which payments, well and truly to be made, we bind ourselves, our respective heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said **Principal** has made a contract with the **Obligee**, bearing the date of _____ 200
for the construction of _____ in _____ Massachusetts
Project Title

NOW, the condition of this obligation is such that if the **Principal** and all Subcontractors under said contract shall well and truly keep and perform all the undertakings, covenants, agreement, terms and conditions of said contract on its part to be kept and performed during the original term of said contract and any extensions thereof that may be granted by the Obligee, with or without notice to the **Surety**, and during the life and any guarantee required under the contract, and shall also well and truly keep and perform all the undertakings, covenants, agreements, terms and conditions of any and all duly authorized modifications, alterations changes or additions to said contract that may hereafter be made, notice to the **Surety** of such modifications, alterations, changes or additions being hereby waived, then this obligation shall become null and void; otherwise, it shall remain in full force and virtue.

IN THE EVENT, that the contract is abandoned by the **Principal**, or in the event that the Obligee, under the provisions of Article 19 of the General Conditions of said contract terminates the employment of the **Principal** or the authority of the **Principal** to continue the work, said **Surety** hereby further agrees that said **Surety** shall, if requested in writing by the Obligee, take such action as is necessary to complete said contract.

IN WITNESS WHEREOF, the **Principal** and **Surety** have hereunto set their hands and seals this:

_____ Day of _____ 200

PRINCIPAL

By: _____
Seal

Attest:

SURETY

By: _____
Attorney-in Fact

Attest

The rate for this bond is _____ % for the first \$ _____ and _____ % for the next \$ _____

The total premium for this bond is \$ _____

PAYMENT BOND

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ as **Principal**,
and _____ as **Surety**, are held and firmly bound unto
the _____ **Housing Authority**, as **Obligee**, in the sum of
_____ **dollars** \$ _____

to be paid to the Obligee, for which payments, well and truly to be made, we bind ourselves, our respective heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said **Principal** has made a contract with the **Obligee**, bearing the date of _____ 200
for the construction of _____ in _____ Massachusetts
Project Title

NOW the conditions of this obligation are such that if the **Principal** and all subcontractors under said contract shall pay for all labor performed or furnished and for all materials used or employed in said contract and in any and all duly authorized modifications, alterations, extensions of time, changes or additions to said contract that may hereafter be made, notice to the **Surety** of such modifications, alterations, extensions of time, changes or additions being hereby waived, the foregoing to include any other purposes or items set out in, and to be subject to, provisions of M.G.L. c.30 §39A, and M.G.L. c.149 §29, as amended, then this obligation shall become null and void; otherwise it shall remain in full force and virtue.

IN WITNESS WHEREOF, the **Principal** and **Surety** have hereunto set their hands and seals this:

_____ Day of _____ 200

PRINCIPAL

By:

Seal

Attest:

SURETY

By:

Attorney-in Fact

Attest

The rate for this bond is _____ % for the first \$ _____ and _____ % for the next \$ _____

The total premium for this bond is \$ _____

FORM OF SUBCONTRACT

THIS AGREEMENT MADE THIS _____ DAY OF _____, 20____, by and between

_____ a corporation organized and existing under the laws of _____ an individual doing business as _____ hereinafter called the "Contractor" and _____

a corporation organized and existing under the laws of _____ an individual doing business as _____ hereinafter called the "Subcontractor".

1. The Subcontractor agrees to furnish all labor and materials required for the completion of all work specified in Section No. _____ of the specifications for _____ and the plans referred to therein and
(Name of Sub-Trade)
Addenda No. _____, _____, _____, and _____ for the:

all as prepared by _____ for the sum of _____ (\$ _____)
(Name of Architect or Engineer)

and the Contractor agrees to pay the Subcontractor said sum for said work. This price includes the following alternates (and other items set forth in the sub-bid): Alternates No(s). _____, _____, _____, _____, _____, _____.

(a) The Subcontractor agrees to be bound to the Contractor by the terms of the hereinbefore described plans; specifications (including all general conditions stated therein) and Addenda No(s). _____, _____, _____, _____, and to assume to the Contractor all the obligations and responsibilities that the Contractor by those documents assumes to the _____ Housing Authority hereinafter called the "Awarding Authority", except to the extent that provisions contained therein are by their terms or by law applicable only to the Contractor.

(b) The Contractor agrees to be bound to the Subcontractor by the terms of the hereinbefore described documents and to assume to the Subcontractor all the obligations and responsibilities that the Awarding Authority by the terms of the hereinbefore described documents assumes to the Contractor, except to the extent that provisions contained therein are by their terms or by law applicable only to the Awarding Authority.

2. The Contractor agrees to begin, prosecute and complete the entire work specified by the Awarding Authority in an orderly manner so that the Subcontractor will be able to begin, prosecute and complete the work described in this subcontract; and, in consideration thereof, upon notice from the Contractor, either oral or in writing, the Subcontractor agrees to begin, prosecute and complete the work described in this Subcontract in an orderly manner and with due consideration to the date or time specified by the Awarding Authority for the completion of the entire work.

3. The Subcontractor agrees to furnish to the Contractor within a reasonable time after the execution of this subcontract, evidence of workmen's compensation insurance as required by law and evidence of public liability and property damage insurance of the type and in limits required to be furnished to the Awarding Authority by the Contractor.

4. The Contractor agrees that no claim for services rendered or materials furnished by the Contractor to the Subcontractor shall be valid unless written notice thereof is given by the Contractor to the Subcontractor during the first ten (10) days of the calendar month following that in which the claim originated.

5. This agreement is contingent upon the execution of a general contract between the Contractor and the Awarding Authority for the complete work.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the date and year first above-written.

SEAL

ATTEST _____

Name of Subcontractor

By: _____
Signature

SEAL

ATTEST _____

Name of Contractor

By: _____
Signature

**SUBCONTRACTOR'S
PERFORMANCE AND PAYMENT BOND
PUBLIC CONSTRUCTION**

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ as **Principal**, hereinafter called the
Subcontractor and _____ as **Surety**, are held and firmly bound unto
_____, as **Obligee**, hereinafter called General Contractor in the sum of
_____ dollars \$ _____

lawful money of the United States of America to be paid to the Obligee, for which payments, well and truly to be made, we bind ourselves, our respective heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS THE SAID SUBCONTRACTOR entered into a certain subcontract with the said General Contractor bearing date of the ____ day of _____, 20 ____ for: _____

which contract is by reference made a part hereof as fully and to the same extent as if copied at length herein.

NOW, THE CONDITION OF THIS OBLIGATION is such that if the subcontractor shall faithfully perform the subcontract and shall indemnify and hold harmless the General Contractor and the surety or sureties under the labor and materials or payment bond furnished by such General Contractor to the awarding authority against (1) any and all loss and expense arising out of any and all claims in connection with the performance of said subcontract which would be required to be paid under the labor and materials or payment bond furnished by the General Contractor to the awarding authority and (2) attorney's fees in the event the subcontractor after notice, fails to assume the defense of and defend such claims, then this obligation shall be null and void; otherwise it shall remain in full force and virtue.

IN WITNESS WHEREOF, the **Principal** and **Surety** have hereunto set their hands and seals this:

____ Day of _____ 200 ____

PRINCIPAL

SURETY

By: _____

By: _____

Seal

Attorney-in Fact Seal

Attest: _____

Attest _____

The rate for this bond is _____ % for the first \$ _____ and _____ % for the next \$ _____

The total premium for this bond is \$ _____

FORM OF SUBCONTRACTOR'S EQUAL EMPLOYMENT CERTIFICATION

Commonwealth of Massachusetts

Department of Housing and Community Development

This form must be completed and submitted by all Filed Subcontractors prior to the validation of the Owner-Contractor Agreement.

This certifies that:

Name of Filed Subcontractor

Street Address

City/State/Zip Code

1. Intends to use the following listed construction trades in the work under this contract:

2. Will comply with the minority manpower ratio and specific affirmative action steps contained in Article 14 of the Conditions of this Contract; and
3. Will obtain similar certifications from each of its subcontractors and submit to the Owner prior to the award of any subcontract under this contract the subcontractor's certification.

Signature of Authorized Representative of Subcontractor

Name and Title

Date

DO NOT BIND INTO PROJECT MANUAL

ATTENTION BIDDERS

To ensure that your bids are acceptable to the awarding authority and DHCD, and are not rejected due to mistakes, we are providing this Checklist for your convenience.

ALL BIDDERS

- ? 1. Have you used the appropriate bid form provided for this specific development?
- ? 2. Have you properly identified the trade, development, architect, etc., on your bid form?
- ? 3. Do your bid amounts, as expressed in figures and words, coincide? The amount expressed in words shall control.
- ? 4. Have you added any information not called for, or acknowledged an addendum or alternate that does not exist, which would make your bid conditional or obscure, and lead to a bid protest?
- ? 5. Is your Bid Form **SIGNED** and dated?
- 6. **Bid Deposits**
 - ? a. Is your bid deposit, if in the form of a bid bond, issued from a bonding company licensed to do business in the Commonwealth of Massachusetts?
 - ? b. **Is it signed by the you and the bonding company?**
 - ? c. Is your bid deposit made payable to the **Housing Authority? Bid deposits made payable to the city, town, commonwealth, or architect will cause the bid to be rejected.**
 - ? d. Is your bid deposit at least five (5%) of the largest possible bid amount, considering all alternates?

Passbooks, Letters of Credit, and Deeds to Property are not acceptable as a bid deposit.

FILED SUB-BIDDERS

- ? 7. Have you acknowledged every alternate?
- ? 8. If an alternate pertains to your specific category of work and you estimate that there is **no change in price**, did you indicate by writing "**no change**", "**N/C**" or "**0**"?
- ? 9. If an alternate is called for and it does not affect your category of work did you so indicate by writing "**N/A**" or "**0**".

Leaving this space blank, on your sub bid form, when alternates are requested may lead to a protest.

- ? 10 Paragraph E of the Form for Sub Bid requires the listing of Sub-Sub Bids **only when your section of the specification explicitly calls for sub-sub bids**. If sub-sub bids are not required did you either leave the space blank or write "**N/A**"?

Filling in paragraph E with your own name or a sub-sub's name when sub-sub bids are not explicitly required by the specifications will cause your bid to be rejected.

- ? 11 If Sub-Sub Bids are required did you fill in the name, class of work, and amount of the sub-sub bid you are using?
- ? 12 If you customarily perform this work did you fill in your **name, class of work, and no dollar amount**?
- ? 13 Have you acknowledged all addenda that affect your trade, and followed the instructions contained therein?
- ? 14 Have you attached your current DCAM Sub-Bidder Certificate of Eligibility and a **signed** DCAM Sub-Bidders Update Statement to your bid, and are they completely and accurately filled out?
- ? 15 Have you **signed** your Update Statement?

GENERAL BIDDERS

- ? 16 Have you acknowledged every alternate?
- ? 17 If an alternate price is requested and you estimate that there is no change in price, did you indicate by writing "**no change**", "**N/C**" or "**0**"?

Leaving this space blank, on your general bid form, when alternates are requested may lead to rejection of your bid.

- ? 18 Have you indicated in Item 2 of your bid form if you will require performance and payment bonds from the subcontractors by writing "**yes**" or "**no**"? If left blank it will be interpreted as "**yes**".

(See Articles 5 & 7 of Instruction to Bidders).

Remember this is your decision as a general bidder.

- ? 19 Have you acknowledged all addenda issued, and followed the instructions contained therein?
- ? 20 Have you attached your current DCAM Certificate of Eligibility and a **signed** DCAM Update Statement (Form CQ3) to your bid, and are they completely and accurately filled out?
- ? 21 Have you **signed** your Update Statement?

This checklist is provided as guidance and assistance to bidders to avoid technical mistakes resulting in rejection of a bid.

This in no way changes, affects, or supersedes the provisions set forth in M.G.L. c.149 §44A-J or c.30 §39M or any other sections or provisions contained in the contract documents.